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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/541,193 04/03/00 HU

B CFP-1080

EXAMINER

QM22/0301

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SHAKERI, H

ART UNIT

PAPER NUMBER

3723

DATE MAILED:

03/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/541,193

Applicant(s)

HU, BOBBY

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,8,11-16,18-22,24-27,29-31 and 33-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,8,11-16,18-22,24-27,29-31 and 33-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 05 February 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. This action is not made final in light of new rejections.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-40 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of copending Application No. 09/541,190 in view of Turner, US Patent 1,033,358 and Tuttle, US Patent No. 1,426,127. Copending application No. 09/541,190 discloses all the limitations of the instant application (Fig. 1) except for a different embodiment of the biasing means. Turner, and Tuttle teach the elements to modify the copending application by an alternative means of urging the pawl, as art recognized equivalent, to obtain the present claimed invention.

This is a provisional obviousness-type double patenting rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 12, 13, 27, 36, 37, 44 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare, US Patent No. 2,957,377 in view of Whiteford, US Patent 5,857,390.

With regards to claim 1, Hare discloses a reversible ratchet wrench with a handle (11), a head (12), a hole (13), a web, Fig. 2, a cavity (16) defined in the web and communicating with the hole, a compartment (24) communicating with the cavity and outside leaving a bridge in the web, Fig. 4. The wrench further includes a drive member (14) with a plurality of teeth (20), a pawl (19), a switch member with a turn-piece (35) and an actuating plate (23) rotatably received in the compartment switchable between two positions, Fig. 6, biasing means (26) mounted between the actuating member and the pawl for positioning the switch member in one of the two ratcheting positions (31) and (30). It does not disclose a C-clip engaged between grooves on the drive member and the head for retaining the drive member. Whiteford teaches a reversible ratchet wrench with a C-clip (39) which retains a drive member (10) in the wrench head by means of grooves (21) and (37) formed in the drive member and wrench head respectively. It would have been obvious to one of ordinary skill in the art, at the time

the invention was made, to modify the tool of Hare with the retaining means as taught by Whiteford to maintain the socket and the handle in easily releasable engagement (Whiteford, col. 4, lines 55 and 56).

Regarding claim 12, Whiteford teaches a wrench with a drive member configured as a gear wheel having an inner periphery adapted to drive a fastener (Whiteford, Fig. 7, 7A).

Regarding claims 13, Prior Art (PA) as applied to claim 1 above meets all the limitations, i.e., drive column (50), (Hare, Fig. 4).

Regarding claim 27, PA as applied to claim 1 above meets all the limitations, i.e., pawl with a recess on the side facing the compartment (Hare, Fig. 4).

Regarding claim 36, PA as applied to claim 27 above meets all the limitations, gear wheel with an inner periphery adapted to drive a fastener, (Whiteford, Fig. 7a).

Regarding claim 37, PA as applied to claim 27 above meets all the limitations, drive column (50), (Hare, Fig. 4).

Regarding claims 44 and 49, PA as applied to claim 1 above meets all the limitations, i.e., the drive member having a top and a bottom and the outer periphery extending between the top and the bottom and the groove being spaced from the top and bottom (Whiteford, Fig. 7, 7A).

6. Claims 15, 21, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare 2,957,377, in view of Turner, US Patent 1,033,358.

Regarding claims 15 and 21, Hare discloses a reversible ratchet wrench with a handle (11), a head (12), a hole (13), a web, Fig. 2, a cavity (16) defined in the web and

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communicating with the hole, a compartment (24) communicating with the cavity and outside leaving a bridge in the web, Fig. 4. The wrench further includes a drive member (14) with a plurality of teeth (20), a pawl (19), a switch member with a turn-piece (35) and an actuating plate (23) rotatably received in the compartment switchable between two positions, Fig. 6, biasing means (26) mounted between a recess of an actuating member and a recess of the pawl for positioning the switch member in one of the two ratcheting positions (31) and (30). It does not disclose a biasing means with an elastic element and a peg. Turner teaches a pawl member (15) being urged by an elastic member (12) in a receptacle (11), and a peg (pin, 13), Fig. 2, wherein the elastic member has one end in the receptacle and another end outside and the pin is received in the elastic member. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the urging means of the tool of Hare by providing a peg as taught by Turner for durability.

Regarding the elastic element being attached to the actuating plate, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the elastic member to the actuating plate, to retain it from falling out of the receptacle, as an obvious design choice which involves only routine skill in the art, since applicant has not disclosed that using a pin solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the elastic member not attached to the actuating plate.

Regarding claims 45 and 46, prior art (PA) as applied to claim 15 above meets the claimed invention, (Hare, Fig. 2).

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7. Claims 3, 4, 29, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Hare in view of Whiteford) as applied to claims 1 and 27 above further in view of Turner, US Patent 1,033,358.

With regards to claims 3 and 29, PA as applied to claims 1 and 27 above, discloses all the limitations of the claimed invention except for a peg having a first end received in the recess of the pawl and a second end received in an elastic element, which is attached to the actuating plate with a second end outside a receptacle in the actuating plate. Turner teaches a pawl member (15) being urged by an elastic member (12) in a receptacle (11), and a peg (pin, 13), Fig. 2, wherein the elastic member has one end in the receptacle and another end outside and the pin is received in the elastic member. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the urging means of the modified tool of prior art by providing a peg as taught by Turner for durability.

Regarding the elastic element being attached to the actuating plate, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the elastic member to the actuating plate, to retain it from falling out of the receptacle, as an obvious design choice which involves only routine skill in the art, since applicant has not disclosed that using a pin solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the elastic member not attached to the actuating plate.

Regarding claims 4, 30 and 31, PA as applied to claims 3 and 27 above meets all the limitations.

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8. Claims 16, 19, 22, 25, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Hare in view of Turner) as applied to claims 15 and 21 above further in view of Whiteford, US Patent 5,857,390.

With regards to claims 16 and 22 , PA as applied to claims 46 and 21 above, discloses all the limitations of the claimed invention except for a gear wheel drive member having an inner periphery adapted to drive a fastener and further having a C-clip received in the annular grooves on the drive member and the inner periphery of the head. Whiteford teaches a reversible ratchet wrench with a C-clip (39) which retains a drive member (10) in the wrench head by means of grooves (21) and (37) formed in the drive member and wrench head respectively. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the tool of prior art (Hare in view of Turner) with the retaining means as taught by Whiteford to maintain the socket and the handle in easily releasable engagement (Whiteford, col. 4, lines 55 and 56).

Regarding claims 19, 47, 25 and 48, PA as applied to claims 46 and 21 above meets all the limitations.

9. Claims 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Hare in view of Whiteford and Turner) as applied to claims 3 and 30 above further in view of Kress, US Patent 1,957,462.

Prior Art as applied to claims 3 and 30 above meets all the limitations of the claimed invention, except for a receptacle in one end of the pin wherein the elastic member is received. Kress teaches a ratchet wrench with a pawl member (41) that has



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a receptacle in one end in which an elastic member is received. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the urging means of the modified tool of prior art by providing a peg having a receptacle in one end as taught by Kress for more stability and torque transfer.

10. Claims 1, 12, 13, 14, 44, 27, 36, 37, 38, 39, 49, 40 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare 3,019,682, in view of Arnold et al., US Patent No. 5,178,047 and Whiteford, US Patent 5,857,390.

With regards to claims 1, 27 and 40 Hare' 682, discloses all the limitations of the claimed invention except for a C-clip received in annular grooves on the drive member and the head. Arnold teaches a reversible ratchet wrench wherein a retaining ring (67), Fig. 4, is received in a groove (23) inside of the head, Fig. 7 and against the annular wall of the drive member. However, It does not show an annular groove in the drive member, even though the applicant has not disclosed that using a groove on the outside of the drive member solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with only a groove on the head and a retaining ring abutting a peripheral wall of the drive member as taught by Arnold et al., Whiteford is cited for teaching a C-clip that is received in grooves both on the drive member and the head to retain the drive member. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to substitute the retaining means of the tool of Hare by providing the retaining means as taught by Arnold et al. modified by another groove on the drive member for receiving the ring as taught

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by Whiteford for art recognized equivalence for quick and easy removal for purpose of cleaning and also for being more economical.

Regarding the "hole" and the 'opening", claims 12, 13, 14, 44, 36, 37, 38, 39, 49 and 41-43, prior art as applied above meets all the limitations, (Arnold et al., Fig. 7).

11. Claims 3, 4, 7, 15, 45, 46, 16, 18, 19, 47, 20, 21, 22, 24, 25, 48, 26, 29, 30, 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Hare' 682 in view of Arnold et al. and Whiteford) as applied to claims 1 and 27 above further in view of Turner, US Patent 1,033,358.

With regards to claims 3, 33, 35, 15 and 21, PA as applied to claims 1 and 27 above, discloses all the limitations of the claimed invention except for a peg having a first end received in the recess of the pawl and a second end received in an elastic element, which is attached to the actuating plate with a second end outside a receptacle in the actuating plate. Turner teaches a pawl member (15) being urged by an elastic member (12) in a receptacle (11), and a peg (pin, 13), Fig. 2, wherein the elastic member has one end in the receptacle and another end outside and the pin is received in the elastic member. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the urging means of the modified tool of prior art by providing a peg as taught by Turner for durability.

Regarding the elastic element being attached to the actuating pale, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the elastic member to the actuating plate, to retain it from falling out of the receptacle, as an obvious design choice which involves only routine skill in the art, since

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applicant has not disclosed that using a pin solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the elastic member not attached to the actuating plate.

Regarding claims 4, 7, 45, 46, 16, 18, 19, 47, 20, 22, 24, 25, 48, 26, 29, 30, and 31 PA as applied to claim 15 above meets all the limitations.

**12.** Claims 8, 11 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Hare' 682 in view of Arnold et al., Whiteford and Turner) as applied to claims 3 and 30 above further in view of Kress, US Patent 1,957,462.

With regards to claim 8, PA as applied to claim 3 above, discloses all the limitations of the claimed invention, including an elastic member, a pawl with a recess, the elastic member being received in the recess, the actuating plate having a receptacle receiving the elastic member, except for a receptacle in one end of the pin wherein the elastic member is received. Kress teaches a ratchet wrench with a pawl member (24) that has a receptacle in one end in which an elastic member is received. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the urging means of the modified tool of prior art by adding a peg to the elastic member having a receptacle in one end as taught by Kress for more stability and torque.

Regarding claims 11, and 34, PA as applied to claim 8 above meets all the limitations.

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**Conclusion**

13. Applicant's arguments with respect to claims 1, 3, 4, 7, 8, 11-16, 18-22, 24-27, 29-31, 33-40 have been considered but are moot in view of the new ground(s) of rejection.

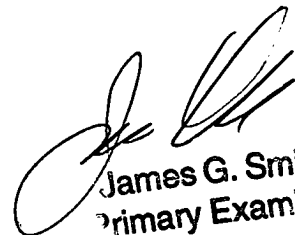
14. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Rueb, Arnold, Kilness, Arnold, Chang, Liou and Sandrick are cited to show related tools.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri at (703) 308-6279. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

HS

February 26, 2001



James G. Smith  
Primary Examiner